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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 **HEATHER SCHOENWALD, an**
15 **individual; TOM KOCH, an individual;**

16 **Plaintiffs,**

17 **v.**

18 **UNUM GROUP, a Foreign Corporation;**
COLONIAL LIFE & ACCIDENT
INSURANCE COMPANY, A
19 **SUBSIDIARY OF UNUM GROUP, a**
Foreign Corporation; DOES 1 through
20 10; ROE CORPORATIONS, 1 through
10, Defendants Defendants.

Case No.:2:20-CV-01948-JCM-
BNW

**STIPULATION FOR LEAVE TO
FILE SECOND AMENDED
COMPLAINT**

AND

PROPOSED ORDER

21
22 Pursuant to FRCP 15(a)(2), Plaintiff Heather Schoenwald
23 (“Schoenwald”), Plaintiff Todd Koch (“Koch”) (collectively, “Plaintiffs”),
24 Defendant UNUM Group (“UNUM”), and Defendant Colonial Life & Accident

1 Insurance Company (“Colonial Life”), by and through their respective counsel of
2 record, hereby request and stipulate and request leave of the Court allowing
3 Plaintiffs to file the Proposed Second Amended Complaint, attached hereto as
4 Exhibit “1.”

5 After meeting and conferring in an attempt to resolve Defendants’ Motion
6 for Partial Dismissal of Plaintiffs’ Amended Complaint (Doc No. 26),
7 Schoenwald agreed to withdraw her claims against Defendants for Intentional
8 Infliction of Emotional Distress and Wrongful Termination and file this Second
9 Amended Complaint. Because the parties agree to stipulate to the filing of a
10 Second Amended Complaint removing Plaintiff Schoenwald’s Causes of Action
11 for Intentional Infliction of Emotional Distress and Wrongful Termination in
12 order to ensure that the case proceeds with as clean a record as possible,
13 Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint is moot.

14 By agreeing to Plaintiffs filing the Proposed Second Amended Complaint,
15 Defendants UNUM and Colonial Life are not agreeing to the merits of any
16 claim, the factual allegations in the Second Amended Complaint, or waiving any
17 defenses they may wish to assert.

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The parties further stipulate and agree that Defendants UNUM and Colonial Life have twenty-one (21) day from the date the Second Amended Complaint is filed to respond accordingly.

DATED this 24th day of March, 2021. DATED this 24th day of March, 2021.

CLAGGETT & SYKES LAW FIRM

LAGOMARSINO LAW

/s/ Joseph Mott

/s/ Andre Lagomarsino

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DATED this 24th day of March, 2021

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

/s/ Dana B. Salmonson

Anthony L. Martin

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Las Vegas, NV 89169

Attorneys for Defendants UNUM

Group and Colonial Life & Accident

Insurance Company

ORDER

IT IS HEREBY ORDERED that the Parties' Stipulation for Leave to File the Proposed Second Amended Complaint is **GRANTED**.

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Case No.:2:20-CV-01948-JCM-BNW

IT IS FURTHER ORDERED that Defendants UNUM and Colonial Life will have twenty-one (21) days from the date the Second Amended Complaint is filed to respond accordingly.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to detach pages 5–29 of ECF No. 35 and docket them as an amended complaint.

IT IS SO ORDERED

DATED: 10:41 am, March 30, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE